

(2001) 08 P&H CK 0213

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 12333 of 1990

Raj Kumari Garg

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 22-08-2001

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2001) 08 P&H CK 0213

Hon'ble Judges : S.S. Sudhalkar, J

Bench : Single Bench

Advocate : Ravi Verma, for the Appellant; Rajbir Sehrawat, D.A.G., for the Respondent

Final Decision : Allowed

Judgement

S.S. Sudhalkar, J.—The petitioner who is working as Sanskrit teacher has prayed for regularization of her services, the prayer which is rejected by the respondents. The petitioner is B.A. with Sanskrit as elective subject and B.Ed, with Sanskrit as one of the teaching subjects.

2. The qualifications prescribed for the post of Sanskrit teacher is Shastri, while the petitioner has no such qualification, it is further contended that the petitioner has taken General English and passed B.A. examination from Merrut University which has not been considered by the Government of Haryana as an equivalent qualification. It is also contended that the petitioner has passed B.A. examination from Merrut University in 1970 with Economics, Hindi and Sanskrit and B.Ed, from Merrut University on 13.1.1973. The petitioner has produced Annexure P-9, an extract of the booklet published by Kurukshetra University in July, 1983 regarding the equivalence of examinations/degrees/diplomas of Universities. According to Annexure P.9 the item at 65 shows that B.A. of Merrut University is equivalent to B.A. of Kurukshetra University. Annexure P-10 dated 18.3.1975 is regarding recognition of various qualifications for appointments. It is mentioned in Annexure P. 10 that degrees and diplomas issued by the recognised

Universities and High, Higher Secondary Boards established by the State shall be recognised ipso facto. This is a letter from the Commissioner and Secretary to Government Haryana in Education Department addressed to all Heads of the Departments. At annexures P.1, its Appendix B of the Haryana State Education School Cadre (Group "C") Service Rules, 1998 which shows that the academic qualifications of OT and Sanskrit is equivalent to B.T. B.Ed, with Sanskrit as teaching subject. Though Annexure P-11 is of the year 1975, it is not shown that on the date from which the petitioner seeks regularization, these equation of the qualifications are not there. Learned counsel for the petitioner has relied on the judgment in the case of Santosh Kumari v. State of Haryana, 1996(4) SCT 337 (P&H)(DB) : 1997(2) RSJ 247, which is a judgment of a learned Single Judge of this court in which it has been held that the person possessing qualification of B. A., B.Ed, with Sanskrit as one of the subjects in B.A. Classes have been considered to be more suitable than persons possessing the qualification of Shastri (Honours) with O.T. The petitioner passed B.A. in 1970 and B.Ed, on 13.1.1979. The petitioner did have the abovementioned qualification on 1.1.1980.

3. As a result, the petitioner is held to be qualified for purposes of regularization for the post of Sanskrit teacher. This, writ petition is, therefore, allowed. The respondents are directed to consider the regularization of the petitioner with effect from 1.1.1980. The petitioner shall be entitled to all consequential benefits. If the petitioner is entitled to the monetary benefits, the same shall be restricted to 3 years and 2 months prior to the filing of this writ petition which was filed on 11.9.1990. The needful shall be done within three months.

4. Petition allowed.